

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

JAMES THOMAS BEAN, Register No. 530524,)
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Plaintiff,)
)
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v.) No. 06-4291-CV-C-SOW
)
)
DAVE DORMIRE, et al.,)
)
)
Defendants.)

ORDER

On October 16, 2007, United States Magistrate Judge William A. Knox recommended that plaintiff's claims against defendants Nurses Dianna Phillips, Amber Putt, Maryann and Heather be dismissed for failure to state a claim on which relief may be granted under 42 U.S.C. § 1983. Judge Knox further recommended that plaintiff's claims against defendant Whitlock be dismissed, without prejudice, pursuant to Fed. R. Civ. P. 4(m). The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on October 29, 2007. The issues raised in plaintiff's exceptions were adequately addressed in the report and recommendation. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of October 16, 2007, is adopted; plaintiff's claims against defendants Nurses Dianna Phillips, Amber Putt, Maryann and Heather are dismissed for failure to state a claim on which relief may be granted under 42 U.S.C. § 1983; and plaintiff's claims against defendant Whitlock are dismissed, without prejudice, pursuant to Fed. R. Civ. P. 4(m). [110]

/s/Scott O. Wright
SCOTT O. WRIGHT
Senior United States District Judge

Dated: January 7, 2008